

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

To a Constable of the Town of Shrewsbury in the County of Worcester

GREETING:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of Shrewsbury qualified to vote in elections and town affairs, to meet at the several designated polling places in their respective precincts in said Shrewsbury, to wit:

Precinct 1	Richard D. Carney Municipal Office Building 100 Maple Avenue
Precinct 2	Frohsinn Club 25 North Quinsigamond Avenue
Precinct 3	Calvin Coolidge School Florence Street
Precinct 4	Scandinavian Athletic Club 438 Lake Street
Precincts 5 and 8	Sewer and Water Department 209 South Street
Precinct 6	Senior Center 98 Maple Avenue
Precinct 7	Spring Street School off 121 Spring Street
Precinct 9	Liberty Assembly of God Church 495 Hartford Turnpike

on Monday, the second day of May A.D., 2005, then and there to act upon the following article:

To vote by ballot for the election of the following named Town Officers, to wit:

TWO	Selectmen to be elected for three years
TWO	School Committee members to be elected for three years
THREE	Trustees of Public Library to be elected for three years
ONE	Shrewsbury Housing Authority member for five years

Representative Town Meeting Members for each precinct as follows:

- Precinct 1      EIGHT to be elected for 3 years
- Precinct 2      SIX to be elected for 3 years
- Precinct 3      SIX to be elected for 3 years
- Precinct 4      NINE to be elected for 3 years  
                    ONE to be elected for 2 years, to fill vacancy
- Precinct 5      NINE to be elected for 3 years  
                    ONE to be elected for 2 years to fill vacancy
- Precinct 6      SIX to be elected for 3 years  
                    ONE to be elected for 2 years, to fill vacancy
- Precinct 7      TEN to be elected for 3 years  
                    ONE to be elected for 2 years  
                    ONE to be elected for 1 year
- Precinct 8      TEN to be elected for 3 years  
                    ONE to be elected for 2 years  
                    ONE to be elected for 1 year
- Precinct 9      NINE to be elected for 3 years  
                    TWO to be elected for 1 year, to fill vacancy

Question 1 :

Shall the Town of Shrewsbury be allowed to assess an additional \$775,000.00 in real estate and personal property taxes for the purposes of purchasing an aerial platform truck with related equipment and appurtenances for the Fire Department for the fiscal year beginning July first two thousand-five?

YES

NO

Question 2 :

Shall the Town of Shrewsbury be allowed to assess an additional \$150,000.00 in real estate and personal property taxes for the purposes of purchasing a front end loader with related equipment and appurtenances for the Highway Department for the fiscal year beginning July first two thousand-five?

YES

NO

Question 3 :

Shall the Town of Shrewsbury be allowed to assess an additional \$125,000.00 in real estate and personal property taxes for the purposes of purchasing a dump truck with a sander body and related equipment and appurtenances for the Highway Department for the fiscal year beginning July first two thousand-five?

YES

NO

The polls will be open at seven o'clock ante meridian and close at eight o'clock post meridian, at each and all said precincts, and all of the above officers are to be voted for on one ballot.

You are further hereby directed to notify and warn the said inhabitants of the Town of Shrewsbury to meet at the Senior High School Auditorium located at 64 Holden Street, in said Shrewsbury on Monday, the sixteenth day of May, A.D., 2005 at seven o'clock post meridian, at which time and place the following articles will be acted upon and determined exclusively by Town Meeting members, in accordance with the provisions of Chapter 553 of the Acts of 1953 and subject to the referendum provided for by section sixteen of said Act.

**ARTICLE 1**

To receive the reports of Town officers and committees and to act thereon.

**ARTICLE 2**

To choose the trustees of the Wright and Harlow Charitable Fund.

**ARTICLE 3**

To see if the Town will amend the Classification and Compensation Plan and the Consolidated Personnel Bylaw.

**ARTICLE 4**

To see if the town will raise and appropriate a sum of money to pay the medical expenses of retired disabled police officers and firefighters.

## **ARTICLE 5**

To see if the Town will transfer a sum of money from available funds in the treasury and appropriate said sum to various departmental appropriations for Fiscal 2005.

## **ARTICLE 6**

To see if the Town will raise such sums of money by tax as may be deemed necessary to pay Town debts and charges and appropriate the same as they may see fit.

## **ARTICLE 7**

To see if the Town will raise such additional sums of money by tax as may be deemed necessary to supplement said sums raised under Article 6 of this warrant to pay Town debts and charges and appropriate said additional sums as they may see fit provided that said additional sums be contingent upon a Proposition 2 ½ override vote as dictated by Massachusetts General Laws, Chapter 59, section 21C(m).

## **ARTICLE 8**

To see if the Town will raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the adoption of an Omnibus Capital Budget for the fiscal period beginning July 1, 2005.

## **ARTICLE 9**

To see if the Town will transfer a sum of money from the Sale of Cemetery Lots account to the Cemetery Department for the care, improvement, embellishment or enlargement of the Cemetery.

## **ARTICLE 10**

To see if the Town will raise and appropriate the necessary sum of money to pay departmental bills contracted in prior years.

## **ARTICLE 11**

To hear and act upon the report of the Board of Selectmen in laying out and making public the following streets, in whole or in part, as shown on plans filed in the office of the Town Clerk, and authorize the Selectmen to acquire by eminent domain an easement therein for all the purposes of a Town way and all necessary drainage easements.

**STREETS****SUBDIVISION**

1.	ADAMS ROAD (P/O)	PROSPECT HILL
2.	AUDUBON DRIVE	TERNBERRY
3.	BIRCH BRUSH ROAD (P/O)	RAWSON HILL ESTATES III
4.	CARDINAL CIRCLE	TERNBERRY
5.	CRANE CIRCLE	TERNBERRY
6.	EAGLE DRIVE	TERNBERRY
7.	EGRET CIRCLE	TERNBERRY
8.	EMERSON CIRCLE	PROSPECT HILL
9.	HAWKRIDGE ROAD	HAWKRIDGE ROAD
10.	HEARTHSIDE CIRCLE	WHEELOCK ESTATES
11.	HEMINGWAY STREET (P/O)	PROSPECT HILL
12.	LUPINE CIRCLE	RAWSON HILL ESTATES III
13.	MALLARD CIRCLE	TERNBERRY
14.	O'DONNELL AVE. (P/O)	TERNBERRY
15.	OLD SALEM CIRCLE	WHEELOCK ESTATES
16.	PTARMIGAN DRIVE	TERNBERRY
17.	SANDPIPER DRIVE	TERNBERRY
18.	SETTLERS ROAD	SHREWSBURY WOODS
19.	SILVER GATE CIRCLE	SILVER GATE FARM
20.	SINCLAIR ROAD	PROSPECT HILL
21.	STURBRIDGE CIRCLE	WHEELOCK ESTATES
22.	SWAN CIRCLE	TERNBERRY
23.	TERN DRIVE	TERNBERRY
24.	THOREAU CIRCLE	PROSPECT HILL
25.	WACHUSETT CIRCLE (P/O)	WHEELOCK ESTATES
26.	WILLET DRIVE	TERNBERRY

**ARTICLE 12**

To see if the town will vote to accept certain parcels of land in the Marshall Estates Subdivision located in the Town of Shrewsbury, County of Worcester, Commonwealth of Massachusetts, more commonly known as Parcels A and B and are shown on a plan entitled "Plan of land in Shrewsbury, Mass." dated March 24, 2004 and prepared by Thompson-Liston Associates, Inc. Parcel A contains 14.52 acres and Parcel B contains 1.184 acres.

**ARTICLE 13**

To see if the town will vote to accept certain parcels of land in the Prospect Hill Subdivision located in the Town of Shrewsbury, Worcester County, Massachusetts, being shown as "Open Space Parcel D 46,804 S.F.", on a plan of land entitled "Street Acceptance Plan Of A Portion Of Hemingway Street and Open Space Parcel "D" in Shrewsbury, Massachusetts", dated

November 24, 2004 sheet 1 of 4, prepared for Town of Shrewsbury by Land Planning Inc, a certain parcel of land located in the Town of Shrewsbury, Worcester County, Massachusetts, being shown as "Open Space Parcel K 103,627 S.F." on a plan of land entitled "Street Acceptance Plan Of A Portion Of Hemingway Street and Open Space Parcel "K" in Shrewsbury, Massachusetts, dated November 24, 2004 sheet 4 of 4, prepared for Town of Shrewsbury by Land Planning Inc. and a certain parcel of land located in the Town of Shrewsbury, Worcester County, Massachusetts, being shown as "Open Space Parcel E 85,112 S.F." on a plan of land entitled "Street Acceptance Plan Of A Portion Of Hemingway Street and Open Space Parcel "E" in Shrewsbury, Massachusetts, dated November 24, 2004 sheet 3 of 4, prepared for Town of Shrewsbury by Land Planning Inc.

#### **ARTICLE 14**

To see if the town will vote to accept certain parcels of land in the Ternberry Subdivision located in the Town of Shrewsbury, Worcester County, Massachusetts, being shown on a plan of and entitled "Ternberry, Definitive Plan of Land in the Town of Shrewsbury, Massachusetts, for First Shrewsbury Associates by Rizzo Associates, Inc. and Moore Survey & Mapping Corporation dated November 1989 revised November 8, 1990 containing 12 sheets and approved December 6, 1990." Recorded with the Worcester District Registry of Deeds in plan book 645, plan 3, containing the following parcels: "PARCEL A = 7,521.04 S.F." "Open Area B = 5,559.0 S.F.", "PARCEL C" Area = 19,733.5 S.F.", "Open Area D = 23,270.1 S.F.", "Open Area E = 25,390.2 S.F.", "Open Area F = 105,370.2 S.F.", "Open Area G = 54,767.4 S.F.", "Open Area H = 36,080.3 S.F.", "Open Area I = 389.2. S.F.", "Open Area J = 116,273.3 S.F.", "Open Area K = 39,679.1 S.F.", "Open Area L = 123,320.3 S.F.", "Open Area M = 384,984.4 S.F.", "Open Area N = 351,441.0 S.F.", "Open Area O = 510,593.1 S.F.", and "Open Area P = 137,080.5 S.F."

#### **ARTICLE 15**

To see if the Town will vote to amend the Zoning Bylaw by amending Section VII.M, Lakeway Overlay District as follows:

Insert the following after paragraph 5.a.3.

- b. Conversion of a one-family or two family dwelling for a permitted retail or office use, or for a combination of permitted retail, office and residential uses.

## ARTICLE 16

To see if the Town will vote to amend the Zoning Bylaw by changing the designation for Senior Housing in Table I, Use Regulations, under the columns titled LB and CB, from SP-PB to N, and delete Footnote 24, or take any other action relative thereto.

## ARTICLE 17

To see if the Town will vote to amend Section VI, Table I, Footnotes 5, 6 and 23, of the Zoning Bylaw by changing the separation for buildings occupied for multi-family residential use from a minimum of fifty (50) feet to a minimum of twenty (20) feet, or take any other action relative thereto.

## ARTICLE 18

To see if the Town will vote to amend the Zoning Bylaw by deleting Section VI, Subsection D, Aquifer Protection Overlay District, in its entirety and inserting in place thereof the following:

### **D. Aquifer Protection Overlay District:**

#### **1. Purpose**

The purpose of this section is:

to promote and protect the public health, safety and welfare by protecting aquifers and recharge areas serving an existing or potential public water supply from contamination.

#### **2. Applicability**

For the purposes of this By-law, there are hereby established within the Town an Aquifer Protection Overlay District, consisting of aquifers and/or aquifer recharge areas, which is delineated on a map titled "Shrewsbury Aquifer Protection Overlay District"; prepared by the Town of Shrewsbury Engineering Department; and dated March 23, 2005. This map is hereby made a part of the Town of Shrewsbury's Zoning By-law and is on file in the Town Clerk's office.

The Aquifer Protection Overlay District shall be considered as overlying other zoning districts. Any area within the Aquifer Protection Overlay District is subject to the more restrictive designation of either the overlay district or the underlying district. Uses not permitted in the underlying districts shall not be permitted in the overlay districts.

Where the bounds of the Aquifer Protection Overlay District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the

bounds should properly be located, based on the criteria stated above. Resolution of boundary disputes shall be through a Special Permit application to the Planning Board. At their own expense, property owners may engage a hydro geologist or other qualified professional to determine more accurately the location and extent of an aquifer or recharge area. In all cases, the determination of the location and extent of the Aquifer Protection Overlay District shall be based upon the criteria in this section. For parcels partially located in an Aquifer Protection Overlay District or split between two Zones, the provisions of Section III.D. of this By-law shall apply.

### 3. **Definitions**

**"Aquifer"** - A geologic formation that can store and transmit significant amounts of potable water.

**"Commercial Fertilizer"** - Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted in accordance with MGL c128 §64.

**"Disposal"** - The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**"Groundwater"** - All the water beneath the surface of the ground.

**"Hazardous Materials"** - Any substance or combination of substances, including liquid petroleum products, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into, or on any land or water in this Town.

**"Hazardous Waste"** - Those substances listed in M.G.L. Ch 21C.

**"Impervious Area"** - Surface covered by materials or structures on or above the ground that severely limit the amount of precipitation that infiltrates the underlying soil, including but not limited to, asphalt, roofed buildings, etc.

**"Process or Non-Sanitary Wastewater"** - All non-sanitary wastewater, disposed on-site, other than stormwater runoff, including, but not limited to, any liquid wastes resulting from any process of industry or business.

**"Recharge Area"** - Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.



**"Sanitary Wastewater"** - Water carrying putrescible waste arising from ordinary water use as from toilets, sinks, baths, dishwashers, washing machines etc. and containing such concentrations and types of pollutants as to be considered normal wastes as regulated by 310 CMR 15.00.

**"Septage"** – Means the liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. For the purposes of this Aquifer Protection Bylaw, the term septage does not include any material which is hazardous waste pursuant to 310 CMR 32.00.

**"Sludge"** – Means the solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. This residue does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

**"Storage"** – Means containment or stockpiling prior to or during selling or distributing or reuse, or offering for sale, distribution or use.

**"Zone I"** – Means the protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet.

**"Zone II"** – Means that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

**"Zone III"** – Means that land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

#### **4. Permitted Uses**

- a) The following uses shall be permitted by right in Zone 1:
  - 1. Conservation of soil, water, plants and wildlife.
  - 2. Outdoor recreation, including boating, fishing, nature study and hunting where legally permitted.
  - 3. Foot, bicycle and horse paths.

4. Normal operation, maintenance, expansion and treatment of existing water bodies and dams, splash boards, public water utilities and other water control, supply, or conservation devices, and the use and storage of chemicals accessory to said utilities.
  5. Farming, gardening, nursery, forestry, harvesting and grazing use.
  6. Repairs to septic systems made in accordance with a permit from the Board of Health.
- b) The following uses shall be permitted by right in Zone 2:
1. All uses permitted in Zone 1, listed in Section 4 (a) 1-5.
  2. Any residential or non-residential use permitted in the underlying zoning district, unless otherwise regulated by the provisions of this Section VI(K), provided that no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.
  3. The alteration or expansion of residential uses existing on the effective date of this By-law, provided that such alteration or expansion shall not increase the total amount of impervious area to more than fifteen percent (15%) of the lot area or 2,500 square feet.
  4. Installation or expansion of a septic system for disposal of sanitary wastes provided the required flows do not exceed 660 gallons per day on a lot. Greater flows shall require a land area of 10,000 square feet per 110 gallons of daily wastewater flow.  
  
Repairs to septic systems made at the order of the Board of Health shall not be subject to the land area requirement unless there is an expansion of the system required by a greater flow.
  5. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificially recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.
- c) The following uses shall be permitted by right in Zone 3:
1. All uses permitted in Zone 1, listed in Section 4 (a), 1 to 5.
  2. Uses permitted in Zone 2, listed in Section 4 (b) 2 and 3, provided that for residential and non-residential uses no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.

3. Installation, expansion or repair of a septic system for disposal of sanitary wastes, subject to the normal requirements of the Board of Health.
4. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificially recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.

## **5. Special Permit Uses**

The following uses shall be permitted with the issuance of a Special Permit. The Special Permit Granting Authority for uses under this section shall be the Planning Board.

a) The following uses are permitted with the issuance of a Special Permit in Zone 1:

1. Filling, stockpiling or placement of earthen materials, whether for temporary storage or permanent use.

b) The following uses are permitted with the issuance of a Special Permit in Zone 2:

1. New residential uses with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet, or expansion of existing residential uses resulting in an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet.
2. Non-residential uses, permitted in the underlying zoning district, which involve the above ground storage or use of hazardous materials.
3. Filling, stockpiling or placement of earthen materials covering greater than 5,000 square feet of land area, or 500 cubic yards.
4. Non-residential uses resulting in an impervious area greater than fifteen percent (15%) of the lot area or 2,500 square feet.
5. Marine related service, repair and storage.

c) The following uses are permitted with the issuance of a Special Permit in Zone 3:

1. Uses permitted by Special Permit in Zone 2, listed in Section 5 (b) 1-5.
2. Any use involving on-site disposal of process or non-sanitary wastes.
3. Underground storage of hazardous materials.
4. Auto-related service, repair and storage.
5. Manufacturing or use of hazardous materials.

6. Dumping of snow containing de-icing chemicals.

**6. Prohibited Uses**

a) The following uses are prohibited in Zone 1:

1. Disposal or processing of solid or hazardous waste, including, but not limited to, landfills, transfer stations, etc.
2. Junkyard/salvage yard.
3. Septage lagoon or wastewater treatment plant.
4. Any use involving the manufacture, generation, storage or use of hazardous materials, including hazardous wastes.
5. On-site disposal of process or non-sanitary wastes except for installation or expansion of septic systems.
6. Underground storage of hazardous materials, including home heating fuel. No portion of a storage tank may be below the ground.
7. Application of road salt or other deicing chemicals to parking lots and travelways containing five (5) or more parking spaces.
8. Dumping of snow containing deicing chemicals.
9. Storage of Sludge and Septage.
10. Any commercial or industrial development.
11. Non-residential applications of pesticides, herbicides or fertilizer.
12. Commercial earth removal.

b) The following uses are prohibited in Zone 2:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 1-4 and 6-9.
2. On-site disposal of process or non-sanitary wastewater.
3. Any use involving the manufacture of hazardous materials.

c) The following uses are prohibited in Zone 3:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 2, 3 and 9.
2. Underground storage of home heating fuel.

3. Disposal or processing of hazardous waste.

## **7. Design Criteria**

All uses listed below, where permitted by this By-law, must meet the following standards when located within the Aquifer Protection Overlay District.

### **a) Earth Removal/Grading**

Any earth removal or land disturbing activity within the overlay district may not be less than five feet above the maximum seasonal groundwater elevation, except in association with a valid building permit or disposal works construction permit. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

### **b) Filling**

All fill material must be clean and free from hazardous materials, construction debris, and other material whose leachate would be a potential contamination hazard to ground or surface waters. The source of all potential fill must be reported in the Special Permit application.

### **c) Hazardous Material Storage**

Hazardous materials stored above ground must be located on an impervious, chemical-resistant surface. The storage area must be equipped with a secondary containment system designed to prevent the material from reaching groundwater in the event of a leak or spill. The containment system must be able to contain 125% of the tank's contents.

### **d) Impervious Areas**

For uses with impervious areas greater than that specified by this By-law, appropriate measures must be taken to insure that the increase in stormwater runoff (over that amount generated by a lot with the specified impervious area) must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

### **e) On-site Disposal of Non-Sanitary or Process Wastewater within Zone III**

Any use involving on-site non-sanitary waste water disposal may not result in the lowering of groundwater quality at the downgradient property line below Massachusetts drinking water standards (314 CMR 6.00). If the ambient groundwater quality is already below these standards, the proposed use may not result in further degradation of groundwater quality. The Planning Board may

require, as a Special Permit condition, means such as monitoring wells to insure that these standards are met.

**f) Stormwater Management**

All stormwater management facilities must be designed for the twenty-five (25) year storm and designed to insure that the rate of runoff leaving the site does not exceed the rate of runoff in the predevelopment state. Runoff from paved areas over one acre in size shall include facilities for trapping oil, gas and other contaminants before recharge into the ground. These facilities shall be maintained by the owner on an annual basis.

**g) Underground Storage Tanks**

All underground storage tanks must be constructed and installed and maintained in a manner which prevents groundwater contamination. No underground tank may be installed unless such tank:

1. Will prevent leakage due to corrosion or structural failure for the operational life of the tank;
2. Is lined with a material compatible with the substance to be stored; and
3. Complies with all state and local requirements for the composition and installation of underground tanks.

**h) Storage of Deicing Chemicals**

Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow shall be stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

**i) Storage of Commercial Fertilizers**

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

**j) Storage of Animal Manures**

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

**8. Nonconforming Uses**

Notwithstanding the provisions of Section IV of this By-law any use that is made nonconforming by the adoption of this Section may continue, provided, however, that any change, alteration, reconstruction, expansion or enlargement of such nonconforming use is subject to the issuance of a Special Permit by the Planning Board. Single and two-family dwellings are specifically exempt from the provisions of Section 8 Nonconforming Uses.

In considering Special Permit requests for expansion of nonconforming uses under this Section, the Planning Board shall not grant approval unless it finds that the proposed expansion will not be substantially more detrimental to groundwater supplies than the existing use.

**9. Procedures for issuance of Special Permits**

- a) Each application for a Special Permit under this Section shall be filed with the Town Clerk for transmittal to the Special Permit Granting Authority (Planning Board), and shall be accompanied by seven (7) copies of any supporting information and plans concerning the proposed use.
- b) The plan accompanying the Special Permit application shall be prepared by a Registered Professional Engineer and/or Professional Land Surveyor, as appropriate, and shall include:

existing property boundaries,

existing and proposed topography,

existing and proposed structures and buildings,

all facilities for surface drainage and erosion control,

all impervious areas, and those areas left in a natural state.

The following shall also be submitted:

A complete list of all potentially toxic or hazardous material to be used, generated or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect from vandalism, corrosion, leakage and spills.

Analysis of the site conditions and potential impact of the proposed project by a qualified hydro geologist with proven experience in groundwater evaluation, if so required by the Planning Board.

- c) The Planning Board shall refer copies of the Special Permit application and any supporting materials to the Building Inspector, Board of Health, Conservation Commission, Town Engineer, Water Department, and any other Board or Department deemed appropriate. These persons and Boards shall review the application and submit their comments and recommendations to the Planning Board. Failure to respond in writing within thirty-five days of the referral of the application shall be deemed lack of opposition.
- d) The Planning Board shall hold a public hearing on the application, in conformity with the provisions of M.G.L. Ch 40A, within sixty-five days of the filing of the application.

- e) After the required notice and public hearing, and after consideration of the reports and recommendations of the Town Boards and Departments, the Planning Board may grant a Special Permit provided that it determines that the proposed use:
  - (i) is in harmony with the purpose and intent of this By-law and will promote the purposes of the Aquifer Protection Overlay District;
  - (ii) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
  - (iii) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area; and
  - (iv) will not adversely affect an existing or potential public water supply.  
In making such determination, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed.
- f) In granting a Special Permit, the Planning Board may attach such conditions as they deem reasonable and appropriate in maintaining and enforcing the purpose and intent of this By-law, such as a performance bond, monitoring wells, conservation easements, etc.
- g) The applicant, for one or two-family dwellings, or a professional engineer for all other uses, must certify in writing to the Building Inspector that any and all Special Permit conditions have been complied with prior to the issuance of an occupancy permit for the use or structure.

and to further see if the Town will amend the Zoning Bylaw, Section VI, Subsection D, Aquifer Protection Overlay District by replacing the "Shrewsbury Aquifer Protection Overlay District" map; dated February 21, 1988; prepared by Geologic Services Corporation with a new map entitled "Shrewsbury Aquifer Protection Overlay District"; prepared by the Town of Shrewsbury Engineering Department; and dated March 23, 2005.

## **ARTICLE 19**

To see if the Town will vote to authorize the Board of Selectmen to convey to Christopher D. Boehm and Lisa B. Krissoff Boehm under such terms and conditions deemed appropriate a driveway easement for the property located at 33 Monadnock Drive, over a portion of a certain parcel of land located in the Commonwealth of Massachusetts, County of Worcester, Town of Shrewsbury, situated on the westerly sideline of Monadnock Drive, and shown as Open Space Parcel on the recorded subdivision plan entitled "Definitive Subdivision Plan of Westview Estates in Shrewsbury, MA. Dated October 31, 1997, revised January 20, 1998, by H & R



Survey” and recorded in Plan Book 725 Plan 16, Worcester Registry of Deeds more particularly bounded and described as follows:

BEGINNING at a point on the westerly sideline of Monadnock Drive, said point being the most southeasterly corner of the parcel fronting on Monadnock Drive and 11.24 feet northeast of a granite right-of-way boundary marker:

THENCE Northerly 20.00 feet by a curve to the right having a radius of 220.00 feet to a point;

THENCE N 81° 30' 16" W, 102.56 feet to a point;

THENCE S 08° 29' 44" W, 18.51 feet to a point;

THENCE S 81° 60' 16" E, 95.00 feet to the point of BEGINNING

Said driveway easement contains 1,825 s.f. +/- of land.

Or to take any other action relative thereto.

## **ARTICLE 20**

To see if the Town will authorize the Board of Selectmen to petition the General Court to authorize the exchange of a land locked parcel acquired by the Town via tax title as described in a deed in the Worcester District Registry of Deeds in Book 4791, Page 271 for parcel of land with frontage on Centech Boulevard, owned by the Worcester Business Development Corporation, Inc. as described in a deed in the Worcester District Registry of Deeds in Book 32478, Page 383.

## **ARTICLE 21**

To see if the Town will vote to authorize the Board of Selectmen to accept or release any easements or real property from the Commonwealth of Massachusetts-Division of Capital Asset Management, Grafton Water District and Worcester Business Development Corporation, pursuant to the provisions of General Laws Chapter 40, Section 3, for the purpose of supplying water to the Town of Shrewsbury, as approved at the Grafton Annual Water District Meeting, under Article 5, of the April 27, 1999 meeting, or take any action relative thereto.

## **ARTICLE 22**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, section 8D for the purpose of establishing a Historic Commission.

## **ARTICLE 23**

To authorize the Library Trustees of the Shrewsbury Public Library to apply for, accept, and expend any state grants which may be available for the project and to vote to accept the preliminary design for the Shrewsbury Public Library building, or to take any other action in relation thereto.

## **ARTICLE 24**

To see if the Town will vote to accept the provisions of General Laws Chapter 32, Section 89B which provides for annuities to dependents of police officers or firefighters killed in performance of duty, or to take any other action in relation thereto.

## **ARTICLE 25**

To see if the Town will authorize the Board of Selectmen to petition the General Court to amend Section 10 of Chapter 553 of the Acts of 1953 by striking out said Section 10 and inserting in place the following:

"Section 10. Members-At-Large. – The Chairman of the Board of Selectmen and the Chairman of the Finance Committee shall be members-at-large of the town meeting."

or to take any other action in relation thereto.

## **ARTICLE 26**

To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation to allow for a long-term ground lease for the parcel of town-owned land located at 51 Hartford Turnpike, or to take any other action in relation thereto.

## **ARTICLE 27**

To see if the Town will amend the bylaw on Town Meetings and the procedure there at to change the day of the annual town election, or to take any other action in relation thereto.

## **ARTICLE 28**

To see if the Town will vote to authorize the Selectmen to petition the Massachusetts General Court to enact special legislation to amend Chapter 503 of the Acts of 1954 and to amend Chapter 412 of the Acts of 1979 for purposes of (i) authorizing the Town and the Town of Westborough to amend the agreement between the two towns, dated September 11, 1979 and entitled "Agreement for the Construction and Operation of the Westborough Treatment Plant," to include a provision whereby the design flow capacity of the treatment plant shall be allocated between the two towns as mutually agreed upon; (ii) authorizing the Town to adopt sewer regulations or bylaws whereby the design flow capacity allocated to the Town may be further allocated and reserved for various types of uses or developments within the Town, said allocations and reservations to be pursuant to the engineering report entitled "Wastewater Allocation Study" completed by Fay, Spofford & Thorndike Engineers, Inc., dated March 2005; and (iii) to provide that, notwithstanding section three of chapter eighty-three of the General Laws or any special or general law to the contrary, the Town's sewer commission shall not be required to connect any home, facility or lot to the Town's sewer system.

## **ARTICLE 29**

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of solid waste pursuant to General Laws Chapter 30B, Section 12(f), for a term, not to exceed twenty years, or to take any other action in relation thereto.

## **ARTICLE 30**

To see if the Town will appropriate a sum of money for the purpose of purchasing an aerial platform truck with related equipment and appurtenances for the Fire Department and determine how any such appropriation shall be raised; by borrowing, by taxation, by transfer from available funds in the Treasury, by appropriation of balance from appropriations hitherto made, but not used, or take any other action relative thereto.

## **ARTICLE 31**

To see if the Town will raise and appropriate or transfer from available funds in the Treasury, a sum of money for the construction of storm or surface drains and for the acquisition of all necessary easements.

### **ARTICLE 32**

To see if the Town will raise and appropriate or transfer from available funds in the Treasury, a sum of money for the construction, reconstruction, repair and maintenance of sidewalks and curbing and for the acquisition of all necessary easements.

### **ARTICLE 33**

To see if the Town will appropriate a sum of money for the purpose of laying out and constructing a system of main drains, common sewers, sub-drains, connections and other works as may be required to further the construction of a system or systems of sewerage, including acquiring land or easements which may be necessary in connection therewith, or otherwise providing for furthering the construction of such system of sewerage, and determine how any such appropriation shall be raised; by borrowing, by taxation, by transfer from available funds in the Treasury, by appropriation of balance from appropriations hitherto made, but not used, or otherwise, and authorize the Board of Sewer Commissioners, acting for and on behalf of the Town to layout and construct said main drains and common sewers, acquire land or easements in connection therewith which may be authorized by Chapter 502 of the Acts of 1954 as amended, or take any other action relative thereto, including the acceptance and expenditure of a grant from the state for this purpose.

### **ARTICLE 34**

To see if the Town will vote to transfer from the Sewer Surplus Account a sum of money to fund improvements and repairs to the Hill Street Sewer Lift Station and related appurtenances.

### **ARTICLE 35**

To see if the Town will vote to transfer from the Sewer Surplus Account a sum of money to fund improvements, replacement and repairs to the Cherry Street Sewer Lift Station, associated pressure sewer line and related appurtenances.

### **ARTICLE 36**

To see if the Town will raise and appropriate or transfer from available funds in the Treasury, a sum of money for the repair, replacement and construction of culverts and related appurtenances on Holden Street, Grafton Street, and Reservoir Street and for the acquisition of all necessary easements.

### **ARTICLE 37**

To see if the Town will vote to transfer from the Sewer Surplus Account a sum of money to fund all costs associated with a Comprehensive Wastewater Management Plan/Environmental Impact Report and an associated Sediment and Dam Removal Study for the Assabet River.

### **ARTICLE 38**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money for the improvement of the water system including extension, relocation and relaying of water mains and replacement or improvement of water system appurtenances, buildings and equipment and authorize the Board of Selectmen to acquire land or easements in connection therewith.

### **ARTICLE 39**

To see if the Town will vote to authorize the Board of Selectmen to acquire for municipal purposes by gift, purchase or eminent domain, under such terms and conditions deemed appropriate by the Board, a parcel of land presently owned by William L. and Ellen S. Glascock as shown in a deed in the Worcester District Registry of Deeds in Book 19103, Page 86 and to determine how such sum of money necessary to fund the acquisition of this parcel and related expenses and fees is to be raised whether by appropriation, transfer from available funds in the Treasury and/or by borrowing under the provisions of General Laws, Chapter 44, section 7(3), as amended.

### **ARTICLE 40**

To see if the Town will vote to rescind the bond authorization made under Article 33 of the May 19, 2004 Annual Town Meeting.

### **ARTICLE 41**

To see if the Town will authorize the use of a revolving fund for the operation and maintenance of the Donahue Rowing Center under the provisions of Chapter 44, Section 53E 1/2 of the General Laws.

#### **ARTICLE 42**

To see if the Town will authorize the use of a revolving fund for the operation and maintenance of a bus operated by the Council on Aging under the provisions of Chapter 44, Section 53E 1/2 of the General Laws.

#### **ARTICLE 43**

To see if the Town will raise and appropriate a sum of money for counseling and educational services to families.

#### **ARTICLE 44**

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts in accordance with Chapter 291 of the Acts of 2004 and transfer said funds to the Highway Department.

#### **ARTICLE 45**

To see if the Town will accept a sum of money from the Municipal Light Department CATV division and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2005.

#### **ARTICLE 46**

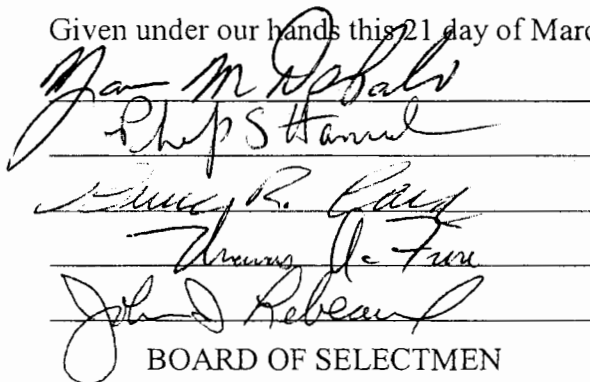
To see if the Town will accept a sum of money received from the Municipal Light Department in lieu of taxes, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2005

#### **ARTICLE 47**

To see if the Town will transfer from available funds in the treasury a sum of money and appropriate said sum for the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2006.

And you are directed to serve this Warrant by posting an attested copy thereof at the Municipal Office Building on Maple Avenue and at the Post Office on Boston Turnpike (Rte. 9) in said Shrewsbury fourteen days at least before the time of holding said meeting. Fail not and make due return on this Warrant with your doing thereon to the Town Clerk of Shrewsbury before the meeting aforesaid.

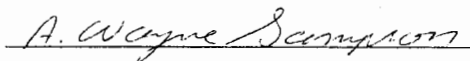
Given under our hands this 21 day of March, 2005.

  
BOARD OF SELECTMEN

Worcester, ss

Shrewsbury, Massachusetts

This is to certify that I have served the foregoing Warrant by posting an attested copy thereof at the Municipal Office Building on Maple Avenue and at the Post Office on Boston Turnpike (Rte. 9), in said Shrewsbury, as therein directed, fourteen days before the time of holding said meeting.

  
Constable 3-23-05  
7:25 AM